December 11, 2014

# ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 15

# ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 22M-4 (2014)

**NFTA**: "17A Report and Capital Expenditure Reports for Second Quarter Ending March, 2015" (6-0)

b. COMM. 22M-5 (2014)

**NFTA**: "September 18, 2014 Board Minutes" (6-0)

c. COMM. 25E-13 (2014)

**RATH & DEPARTMENT OF PUBLIC WORKS**: "Updated Letter Regarding Hopkins Road Stabilization & Reconstruction, Town of Amherst" (6-0)

d. COMM. 25M-3 (2014)

**SUPERVISOR, TOWN OF AMHERST**: "Letter Regarding Needed Repair of Maple Road, Town of Amherst" (6-0)

e. COMM. 25M-4 (2014)

**BOARD OF SUPERVISORS, FULTON COUNTY**: "Resolution Supporting Repeal of the NYS 'Scaffold Law'" (6-0)

2. COMM. 25E-8 (2014)

# COUNTY EXECUTIVE AS AMENDED

WHEREAS, several months ago construction contracts were authorized by your Honorable Body for Old County Hall-Exterior Waterproofing and Improvements; and

WHEREAS, during the Old County Hall Exterior Renovations funds were eliminated for the restoration of the main entrance stairs and platform, and the retaining walls on the north and south sides of the building; and

WHEREAS, unforeseen conditions require structural and building repairs at the clock tower; and

WHEREAS, funds have now become available to restore and waterproof the main entrance stairs and platform to the historic building; and

WHEREAS, your honorable body has previously authorized the County Executive to enter into a general Architectural Engineering services agreement with the form of Lauer- Manguso & Associates for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Lauer-Manguso & Associates for providing design and construction document services for the Old County Hall-2015-Landscape Improvements project around the exterior of Old County Hall.

WHEREAS, the construction contingency must be increased to fund the additional work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to increase the current construction contingency fund by \$275,000.00; and be it further

RESOLVED, that the deduct change orders will result in these funds being returned to the contingency fund; and be it further

RESOLVED, that Contract Amendments will be negotiated and issued to the previously approved contractors on site to complete the restoration and waterproofing of the main entrance stair and platform, retaining walls and miscellaneous building repairs; and be it further

RESOLVED, that the County Executive be authorized to execute an Agreement Amendment with the firm of Lauer-Manguso & Associates for providing design and construction document services for the Old County Hall- 2015- Landscape Improvements project for an amount not to exceed \$30,000.00, including reimbursables.

RESOLVED, that the Comptroller's office be authorized to make payment for all the above from SAP Project:

A.14003-2014 - Countywide Code Compliance & Environmental	\$ 30,000.00
A.11004 - Roof Replacement & Exterior Waterproofing	\$187,438.07
A.00260 - Sidewalk Restoration	\$ 87,561.93
For a Total Amount Not To Exceed	\$305,000.00

: and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

#### 3. COMM. 25E-9 (2014)

# **COUNTY EXECUTIVE**

WHEREAS, the existing roof system at Erie County Community College North Campus Bretschger Hall is 30 plus years old and is leaking, causing damage to the building interior spaces and systems; and

WHEREAS, the Erie County Department of Public Works received bids for the Erie Community College North Campus Bretschger Hall Roof Replacement on May 1, 2014; and

WHEREAS, the Erie County Legislature previously authorized contracts for Erie Community College North Campus 2014 Bretschger Hall Roof Replacement; and

WHEREAS, not all Alternates were accepted in awarding the above noted contract due to insufficient funds; and

WHEREAS, additional funds are now available to accept Alternates No. 1 and No. 2 for replacement of 100 and 200 hundred wings at Bretschger Hall; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Weaver Metal and Roofing, Inc to accept alternate bids No. 1 and No. 2 for the Erie Community College North Campus 2014 Bretschger Hall Roof Replacement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept add alternate bids No. 1 and No. 2 and execute a Contract Amendment to Weaver Metal and Roofing, Inc.'s contract now that the 2014 bond fund proceeds are available, as follows:

 Add 100 Wing
 Alternate No. 1 Bid:
 \$ 622,000.00

 Add 200 Wing
 Alternate No. 2 Bid:
 \$ 513,000.00

 Total not to exceed
 \$1,135,000.00

;and be it further

RESOLVED, that the sum of \$115,000.00 be allocated to the Construction Contingency Fund with authorization for the County Executive, to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Accounts as follows:

 E.11003 2011
 Erie Community College –
 \$ 36,940.44

 E.14002 2014
 ECC Roofs North Campus Amherst
 \$1,213,059.56

 For a Total Amount Not To Exceed
 \$1,250,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller. (6-0)

# 4. COMM. 25E-10 (2014)

#### **COUNTY EXECUTIVE**

WHEREAS, the Legislature has approved the Buffalo Bills/Erie County Stadium Lease; and

WHEREAS, the Lease agreement provides for an annual Capital Improvement Allowance (CIA maintenance projects) which are to be managed by the Lease Construction Management Group (LCMG); and

WHEREAS, this group consists of representatives from the Buffalo Bills, State and County; and

WHEREAS, the Buffalo Bills have requested that since the Capital Improvement Allowance projects are jointly funded, instead of totally funded by the County, the CIA project contracts should now be authorized and approved by the Lease Construction Management Group; and

WHEREAS, the year two annual Capital Improvement Allowance for 2014 is approximately \$4.7 million dollars which increases each year by an inflation factor.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is hereby authorized to select contractors or consultants and issue the subject maintenance contracts by the following procedure:

- 1. Receive formal or informal bids to determine the lowest responsible bidder and receive consultant proposals to determine the most suitable one for the job.
- 2. If bidding the maintenance work or receiving consultant proposals is not viable because of emergencies or economic reasons; a contractor or consultant will be selected and the terms and conditions of the contract will be negotiated by the Commissioner.
- 3. The Commissioner will submit the proposed contracts to the Lease Construction Management Group (LCMG) for approval. If an emergency or an economic situation is involved, the Commissioner will also submit a written report to the LCMG detailing the necessity for immediate action.
- 4. The County Executive will issue contracts or change orders to contractors or consultants designated by the Commissioner of Public Works and approved by the LCMG.

; and be it further

RESOLVED, that the total amount of all of the subject CIA maintenance contracts shall not exceed the total of all annual Capital Improvement Allowances provided for by the Lease, and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Buffalo Bills. (6-0)

#### 5. COMM. 25E-11 (2014)

#### COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Buffalo Bills have requested that the County proceed with the 2015 Capital Improvement Allowance Projects as required by the Lease Agreement between the Buffalo Bills, Erie County Stadium Corporation and Erie County; and

WHEREAS, your honorable body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreement with the firm of DiDonato Associates for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of DiDonato Associates for providing design and construction document services for the Ralph Wilson Stadium-2015-Annual Capital Improvement Allowance projects; and

WHEREAS, New York State Electric and Gas is offering a rebate to the County for installing new LED energy efficient lighting in the Field House; and

WHEREAS, the County Executive is requesting that the Field House Lighting Improvements Project Construction Contingency be increased so additional lighting can be installed to increase the light levels over the field area.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an Agreement Amendment with the firm of DiDonato Associates for providing design and construction services for the Ralph Wilson Stadium-2015-Capital Improvement Allowance projects for an amount not to exceed \$456,000.00, including reimbursable and design contingency; and be it further

RESOLVED, that the Construction Contingency for the RWS-2014-Field House Lighting Improvements Project be increased by \$150,000.00 from \$75,000.00 to \$225,000; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the County Executive be authorized to accept the NYSEG rebate for an amount not to exceed \$150,000,00; and be it further

RESOLVED, that the appropriations revenue be increased in Business Area 122, Fund 110, SAP Project Account A.14001 for an amount not to exceed the NYSEG rebate; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project accounts as follows:

	For a total amount not to exceed	\$606,000.00
A.14001	2014-Rehabilitation of RWS	\$165.779.83
A.13001	2013-Rehabilitation of RWS	\$335,457.02
A.12001	2012-Rehabilitation of RWS	\$104,763.15

; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller. (6-0)

. COMM. 25E-12 (2014)

### **COUNTY EXECUTIVE**

WHEREAS, a Project for the Preliminary Engineering of the Town of Evans Multi-Use Pathway, Phase III in the Town of Evans, Erie County, PIN 575802 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80.0% Federal funds and 20.0% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) Phase of the Project, PIN 5758028; and

WHEREAS, the total Preliminary Design Phase of the Project is \$300,000, and the County is required to provide the local share portion of the Project Phase in the amount of \$60,000.

NOW, THEREFORE BE IT

RESOLVED, the County Legislature of the County of Erie does hereby approve the Town of Evans Multi-Use Pathway, Phase III – Preliminary Engineering (Design I-VI) Phase project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design Phase I-IV) phase of the Project or portions thereof; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal Shares of the cost of the project's Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated above, the County of Erie shall convene its County Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation (NYSDOT) thereof; and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and with the New York State Department of Transportation providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid the local share of Federal-Aid Eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County Executive is authorized to appropriate and make available \$60,000 to cover the local share cost of participation in the Preliminary Engineering (Design I-VI) Phase of the Project, with said funds to be transferred as follows:

# 2014 Budget - Fund 110

Dept. of Social Services – Business Area 120 525000 – MMIS Medicaid Local Share	Decrease \$60,000
Dept. of Environment and Planning – Business Area 162	Increase
570050 – Interfund Subsidy – Capital	\$60,000

and be it further

RESOLVED, that authorization is hereby provided to accept funding in an amount not to exceed \$240,000 from NYSDOT and to establish a capital budget for the Project as follows:

# 2014 Budget – Fund 410 – Business Area 162

Revenue	
414000 – Federal Aid	(\$240,000)
486000 – Interfund Revenue Subsidy	(\$ 60,000)
Total Revenue:	(\$300,000)
Expense	
Capital Project Expense	\$300,000

and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor; and be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately. (6-0)

EDWARD A. RATH, III CHAIR